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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

Certified Mail - Return Receipt Requested

March 18, 2019

Mr. Chris Hakes
Hakes Brothers
PO Box 2022
Las Cruces, NM 88007

Re: Hakes Brothers / Metro Park Village Phase 2; CGP; SIC 1521; NPDES Compliance Evaluation Inspection; NPDES #NMR1001BP; February 13, 2019

Dear Mr. Hakes:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Mike Kesler, NMED District III by e-mail
Jakob Kidd, City of Las Cruces by email
Greg Hotaling, Hakes Brothers by email



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M R 1 0 0 1 B P 11 12 1 9 0 2 1 3 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 5 A C R E S					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 3	71 N 72 N 73	74 75	80	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 2-13-19 1:30pm	Permit Effective Date 2/16/2017
Metro Park Village Phase 2 Peachtree Hills Rd & Metro Park St., Las Cruces, NM 88011	Exit Time/Date 2-13-19 4:00 pm	Permit Expiration Date 2/16/2022
Dona Ana County		
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Greg Hotaling /Project Manager/575-373-1120	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Chris Hakes/President/575-373-1120 Hakes Brothers PO Box 2022 Las Cruces, NM 88007	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	SIC 1521 General Contractors-Single Family Houses 32.3988°N, 106.732°E

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
M	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- Inspector arrived on site at 02/13/2019 at approximately 1:30 pm and conducted an entrance interview with Greg Hotaling where she made introductions, presented credentials and explained the purpose of the inspection.
- Exit interview was conducted at 3:30 pm with Greg Hotaling where preliminary findings of the inspection were discussed with the permittee representative.
- See attached report for further explanations.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Jennifer Foote /s/ Jennifer Foote	NMED/SWQB 505-827-0596	3/18/19
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Sarah Holcomb, Program Manager /s/ Sarah Holcomb	NMED/SWQB 505-827-2798	3/18/19

NPDES Construction General Permit Inspection Report – State of New Mexico

Inspection Date	2/13/19	Entry Time Exit Time	1:00pm 4:00 pm
Inspector Name/ Telephone	Jennifer Foote 505-827-0596		
Facility Name/ Physical Location	Metro Park Village Phase 2 Peachtree Hills Rd & Metro Park St., Las Cruces, NM 88011		
Facility Type	<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Municipal <input type="checkbox"/> Industrial		
County Location	Dona Ana		
Latitude/Longitude (Decimal Degrees)	32.3988°N, 106.732°E		

Operator/Mailing Address	Date Company Operation Began	Authorized Official(s)	Phone	NPDES Tracking Number	NOI Cert Date	SWPPP Cert Date
Hakes Brothers PO Box 2022 Las Cruces, NM 88007	6/5/2003	Dan Neilson Chris Hakes	575-373-1120	NMR1001BP	5/16/18	2/25/19

Was project covered under a previous permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, previous NPDES Tracking Numbers:	Unknown, previous developers, not discussed in SWPPP
Actual Start Date	Estimated 1/1/18 Estimated End Date 1/1/22
Disturbed Area	<input checked="" type="checkbox"/> >5 acre <input type="checkbox"/> 1>acre<5 <input type="checkbox"/> <1acre and part of larger common plan
Receiving Water, including information on segment number, impairments, tier	Las Cruces MS4, Rio Grande segment 20.6.4.101; TMDL for e. coli, Tier 2

Permittee Representatives Present During Inspection:			
Name	Company/Organization	Title	Telephone
Greg Hotaling	Hakes Brothers	Project Manager	575-373-1120

Section I – Introduction:

Metro Park Village Phase 2 is a 5.5 acre housing development in Las Cruces NM with one developer, Hakes Brothers. Initial grading in the development was performed by another operator and not included in this SWPPP.

Section II – Observations Summary:**Permit Coverage:**

The new Project Manager was not sure what day construction actually started, but the SWPPP stated approximately January 1, 2018. The NOI was dated May 16, 2018. The SWPPP and NOI were submitted after construction started. The NOI posting had blown over and was located behind a no trespassing sign. The historic review was discussed, but the appendix with the documentation was missing. The IPAC process was not complete, it only went through the request of an Official Species List step, There was no documentation of a visual inspection to verify listed species were not present.

SWPPP:

The onsite SWPPP was not certified. The SWPPP cover was dated May 11, 2018. The Stormwater Team needs to be updated. The SWPPP and NOI describes that runoff flows to a new retention pond and will not runoff the site. However, there is currently not an inlet to the outfall#1 pond, water runs to the south instead. The SWPPP also describes that historically the area flows to Sand Hill Arroyo. RUSLE Calcs do not show that erosion is not increased during construction and there are no runoff calculations in the SWPPP. The historic document was missing in the onsite plan appendix. The plan describes a combined staging area with sanitary facilities and waste storage, but it appeared that each homesite had its own porta potty and uncovered waste bin. Plan states that stockpiles will be in designated areas with BMPS as indicated on site plan, however site plan does not show any locations of BMPs other than a note that they will be added in the field. The North arrow was facing south on the site map and the street signs were incorrect.

Recordkeeping & Inspections:

The BMP Installation Log, Maintenance Log, and the Grading and Stabilization Activities Log were not used. Not all inspections had dates entered when maintenance was performed. Inspections started 1/3/18 and initially included portions of other Projects as well. Qualifications for people who performed the inspections were not included in the SWPPP. Inspections were signed by the inspector, several were not signed. The Delegation of Authority Letter was not completed. There were no records of training.

BMPs/Implementation:

A lined washout pit was located on one of the lots, however, most building sites were washing out on the ground at each home site. The original design called for all the sites to drain to a pond on the northeast. Most sites were graded to retain water behind the curb, however in several places the grading was not maintained and discharges could leave the site.

Section III – Inspection Findings:

Findings below are organized by permit section.

Part I: Permit Eligibility**Findings:**

- Part 1.1.1 Permit was applied for after construction started.
- Part 1.1.5 ESA Criteria Process in Appendix D was not fully followed.
- Part 1.1.6 Historic Screening process in Appendix E was not followed.

- Part 1.5 SWPPP Public posting was inaccessible to the public. Permittee sent photo of relocated sign on 2/26/19.

Part 2: Design, Installation and Maintenance Requirements

Findings:

- Part 2.2.4.d Sediment track-out onto paved roads was not removed by the end of each day (photo 5)
- Part 2.2.5 Soil Stockpiles not located outside of the drainage pathway and upgradient of sediment barrier (Photo 2). Permittee sent photo of stockpiles removed on 2/26/19.
- Part 2.3.3 Waste containers were not covered when not in use and debris was blowing away (photo 3). Permittee sent photo of new waste bin covers on 2/26/19.
- Part 2.3.4 Stucco and paint washout was occurring at individual home sites and not always in the designated lined pit.(photo 3,4)

Part 4: Site Inspection Requirements

Findings:

- Part 4.1 Qualifications for the most recent inspector were not included in the SWPPP. Qualifications must be specific to each person.
- Part 4.7.2. Not all inspections were signed. Inspections were not signed by a delegated authority. Operator provided delegation of authority letters on 2/26/19.

Part 6: Staff Training Requirements

Findings:

- Part 6 No documentation of staff training was provided.

Part 7: Stormwater Pollution Prevention Plan (SWPPP)

Findings:

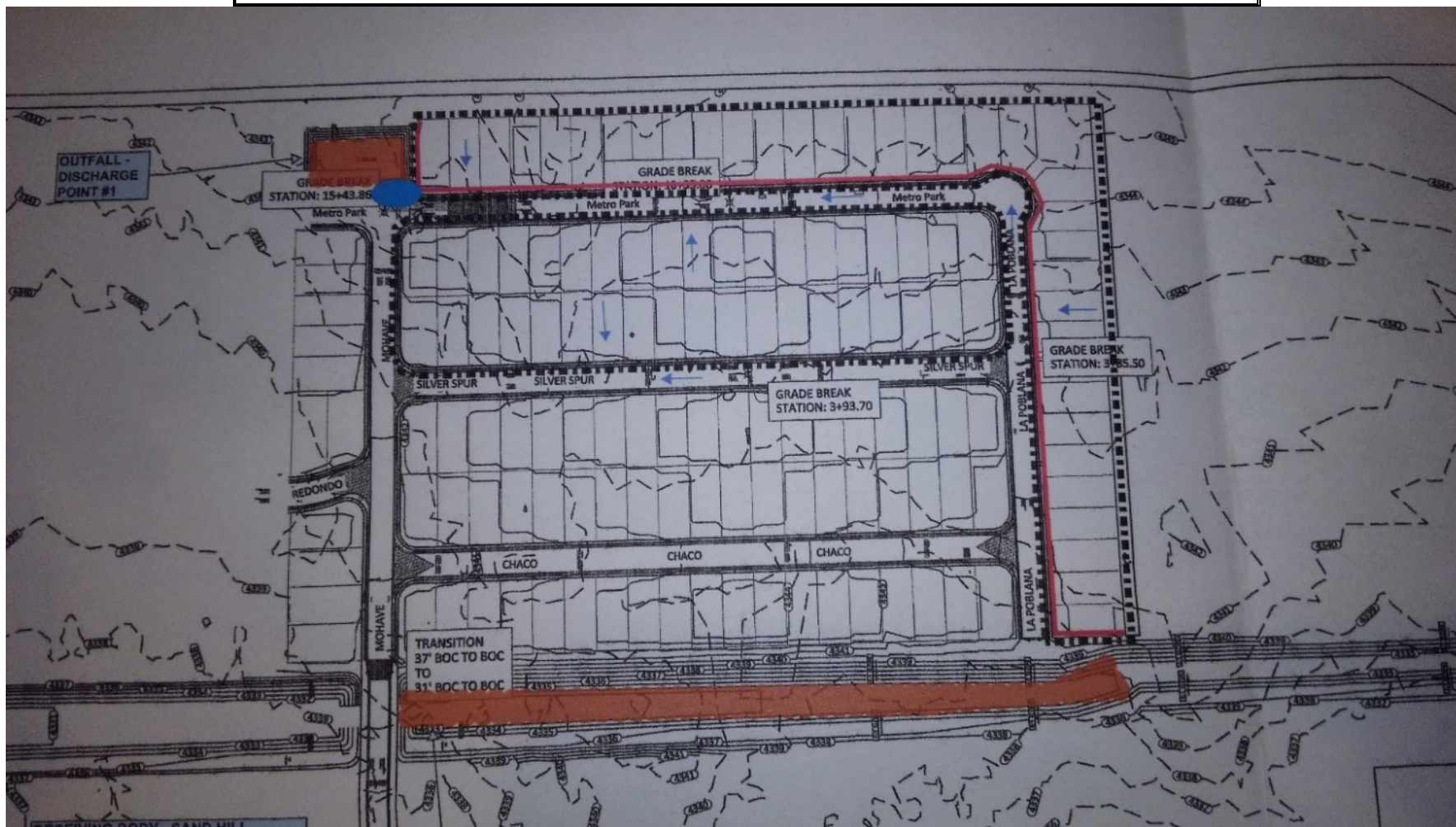
- Part 7.1 The SWPPP including dates of disturbance and BMP installation tables was not updated.
- Part 7.2.4 The site map in the SWPPP had not been updated (updated map provided 2-26-19) and did not show location of washout or the actual site discharge location.
- Part 7.2.6 The plan did not describe controls currently in place or for final stabilization including details and specifications
- Part 7.2.10 The SWPPP was not certified. Permittee sent signed copy dated 2/25/19.

Part 9: Permit Conditions Applicable To Specific States, Indian Country Lands, Or Territories

Findings:

- Part 9.4.1.c SWPPP does not document that site specific practices will result in flow velocities that are not greater than predevelopment conditions

NMED/SWQB Official Photograph Log		
Photo # 1		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 2:04 pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Metro Park Village Phase 2		
Subject: SWPPP site map		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 3:25 pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Metro Park Village Phase 2		
Subject: Spoils piles in gutter		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 3:22 pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Metro Park Village Phase 2		
Subject: Overflowing uncovered waste bin, washout on ground, site not below curb grade		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 3:25 pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Metro Park Village Phase 2		
Subject: stucco washout occurring outside of washout area		



NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Jennifer Foote	Date: 2/13/19	Time: 2:04 pm
City/County: Las Cruces/Dona Ana		State: New Mexico
Location: Metro Park Village Phase 2		
Subject: sediment in gutter and road		



Attachment: Permittee Response



Greg Hotaling

PO Box 2022
Las Cruces NM
(575) 805-3467
gregh@hakesbrothers.com

3rd April 2019

Jennifer Foote

Industrial and Storm Water Team Supervisor
NM Environmental Department
P.O. Box 5469
Santa Fe, NM 87502

Re: Hakes Brothers / Metro Park Village Phase 2; CGP; SIC 1521; NPDES Compliance Evaluation
Inspection; NPDES #NMR1001BP; February 13, 2019

Dear Ms. Foote,

Enclosed please find a copy of my response for the report and checklist for the referenced inspection that the New Mexico Environment Department (NMED) conducted at Metro Park Village Phase 2 on behalf of the U.S. Environmental Protection Agency (USEPA). **Replies are bulleted in the findings sections below the summary.** Once again, we appreciate the time you took to for the site inspection. It was very helpful. Please let me know if any of my responses are insufficient or if more detail is needed. Thanks again.

Hard copies sent to Robert Houston and Sarah Holcomb at the addresses listed on the report as per the instructions.

Sincerely,

Greg Hotaling

Project Manager, Hakes Brothers LLC

Part I: Permit Eligibility Findings:

Part 1.1.1 Permit was applied for after construction started.

- Date of NOI 5/3/2018. Green Globe created SWPPP books for Hakes Brothers on 5/11/18.

Part 1.1.5 ESA Criteria Process in Appendix D was not fully followed.

- Grading and Stabilization Log training to be scheduled by 5/15/2019

Part 1.1.6 Historic Screening process in Appendix E was not followed.

- SWPPP Amendment Log training to be scheduled by 5/15/2019

Part 1.5 SWPPP Public posting was inaccessible to the public.

- Permittee sent photo of relocated sign on 2/26/19.





HAKES BROTHERS
Own The Home You Love

Part 2: Design, Installation and Maintenance Requirements Findings:

Part 2.2.4.d Sediment track-out onto paved roads was not removed by the end of each day (photo 5)

- Hakes Brothers conducts street sweeps on a Bi-monthly basis. Additionally, street sweeps are scheduled during heavy dirt work times.



Part 2.2.5 Soil Stockpiles not located outside of the drainage pathway and upgradient of sediment barrier.

- Permittee sent photo of stockpiles removed on 2/26/19.



Part 2.3.3 Waste containers were not covered when not in use and debris was blowing away (photo 3).

- Permittee sent photo of new waste bin covers on 2/26/19.



• Part 2.3.4 Stucco and paint washout was occurring at individual home sites and not always in the designated lined pit.(photo 3,4)

- Hakes Brothers implementing Paint and Stucco washout areas using hard line containers. (Rigid youth swimming pool)

Part 4: Site Inspection Requirements Findings:

• Part 4.1 Qualifications for the most recent inspector were not included in the SWPPP. Qualifications must be specific to each person.

- All designated inspectors have been trained in the following:
- Spill response procedures
- Good housekeeping
- Material management practices
- Stormwater discharge monitoring procedures
- BMP operation and maintenance

Part 4.7.2. Not all inspections were signed. Inspections were not signed by a delegated authority.

- Operator provided delegation of authority letters on 2/26/19 and signatures required on all inspection reports.

Part 6: Staff Training Requirements Findings:

Part 6 No documentation of staff training was provided.

- Staff training considered “on the job”. A staff training log has been developed.



Part 7: Stormwater Pollution Prevention Plan (SWPPP) Findings:

Part 7.1 The SWPPP including dates of disturbance and BMP installation tables was not updated.

- Separate dates of disturbance and BMP installation tables now being filled out in addition to inspection reports

Part 7.2.4 The site map in the SWPPP had not been updated (updated map provided 2-26-19) and did not show location of washout or the actual site discharge location.

- Permittee sent updated site map 2/26/19

Part 7.2.6 The plan did not describe controls currently in place or for final stabilization including details and specifications

Part 7.2.10 The SWPPP was not certified.

- Permittee sent signed copy dated 2/25/19.

Part 9: Permit Conditions Applicable To Specific States, Indian Country Lands, Or Territories Findings:

- **Part 9.4.1.c SWPPP does not document that site specific practices will result in flow velocities that are not greater than pre development conditions Hakes Brothers is working with Green Globe environmental services for correct site specific documentation to be entered into SWPPPS..**